

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Vita	Confirmation No.:	1067
Appl. No.:	10/562,323	Group Art Unit:	1654
Filed:	10/17/2007	Examiner:	Satyanarayan R. Gudibande
For:	URANIUM-CHELATING PEPTIDES AND USES THEREOF		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated June 22, 2010, in which the Examiner has required restriction between Group I, namely Claims 2-9, Group II, namely Claims 11-14, Group III, namely Claims 17, 18 and 39, Group IV, namely Claims 19-23 and 40, Group V, namely Claims 24, 33 and 34, Group VI, namely Claims 25 and 35, Group VII, namely Claims 26-32, 40 and 41, and Group VIII, namely Claim 36. Applicant hereby provisionally elects with traverse to prosecute the claims of Group V (Claims 24, 33, and 34) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

In response to the Species election, Applicant elects peptide CaM-M3c having the sequences SEQ ID NO; 4 (see Table I, page 19), readable on Claims 24, 33, and 34.

Applicant respectfully traverses the restriction requirement for at least the following reasons. First, it should be pointed out that the instant application is a national phase application of a PCT application and no unity of invention objection was raised in the corresponding PCT application. Second, the claimed invention relates to uranium-chelating peptides derived from the calcium binding site of the calmodulin protein, which are useful for detecting and treating soils, water, or an individual contaminated with uranium (see page 6, line 14 to page 7, line 12 of the instant application). The "same or special technical feature" of the independent claims is a uranium-chelating peptide derived from the calcium binding site of the calmodulin protein.

In contrast, Procyshyn et al., J. Biol. Chem., 1994, 169, 1641-1647 relates to calcium and magnesium affinity and selectivity of the calmodulin derived peptides. As such, the same or special technical feature is neither disclosed or suggested by the prior art documents, which is totally silent with respect to uranium binding of calmodulin derived peptides.

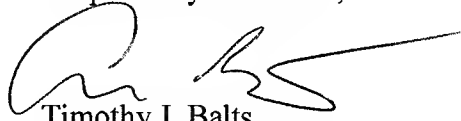
Consequently, the claims listed in Groups I to VIII relate to a single inventive concept under PCT Rule 13.1 because, under Rule 132.2 they share the same or corresponding technical feature, and therefore unit of invention exists.

In any event, since none of the cited prior art documents disclose or suggest the use of calmodulin derived peptides for chelating uranium (see section 5.10 of the International Preliminary Examination Report issued in the corresponding PCT application), it is respectfully submitted that at least Group VI (claims 25 and 35) should be rejoined with Group V since these claims relate to a method for the detection of uranium using the same uranium-chelating products. In addition, Applicants request that claims 18 and 41, which also relate to the used of calmodulin derived peptides for chelating uranium, be rejoined as well.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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